

To: Koerber, Mike[Koerber.Mike@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Ashley, John
Sent: Fri 1/5/2018 9:15:41 PM
Subject: Revised Draft of Listening Sessions FR Notice
[Draft CPP Repeal Listening Sessions Notice.docx](#)

Mike and Kevin,

Attached for your review is a draft copy of the FR notice for the CPP proposed repeal listening sessions. This version has the latest information as of this afternoon, but many details are still being worked out.

Please let me know if you have any questions or concerns.

Thank you.

John Ashley

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Sector Policies and Programs Division
(919) 541-1458

To: Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Culligan, Kevin
Sent: Thur 10/5/2017 6:13:07 PM
Subject: FW: CPP Repeal Package
EO12866 CPP Repeal 2060-AT55 Proposal 20171005.docx

Should be very close to final

From: Swanson, Nicholas
Sent: Thursday, October 05, 2017 2:02 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>
Cc: Eck, Janet <Eck.Janet@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>
Subject: CPP Repeal Package

Kevin,

Thanks for seeing the rest of this through to the end. Attached is a RLSO of all the edits made since we last sent it to OMB. There are still two entities that I know of making edits to the package: 1) Econ folks reflecting the OMB edits from last night; 2) Mike Koerber and Pete South just gave their line edits. I have not had an opportunity to start on them.

When we get OMB's final clearance, we need to ensure that we have someone from OP to put the document/rule into ROCIS. If this happens later in the evening, it could be difficult to track someone down. The document is currently formatted (i.e. headings and page numbers) to go into ROCIS. This format will need to be changed for the final signature package.

The blue folder (i.e. signature package) is mostly complete and is part of the review of Mike and Pete currently.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Final signature package formatting:

- [redacted] 1st page: no header and no page numbers
- [redacted] The rest of the pages: Page # of total pages (e.g. "Page 2 of 45")
- [redacted] The final page/signature page should have the following header (adjusting for page numbers if necessary):

**"Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:
Electric Utility Generating Units**

Page 45 of 45

Version control:

- [redacted] We are still waiting on edits to come in from Econ folks (Alex Macpherson) but when he does send his update it should be exclusively for the EO 12866 section at the end: "A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review." This can be a wholesale copy and paste.
- [redacted] I have a bunch of hand-written edits from Pete and Mike. I have not had the chance to incorporate any of them. Here is a address to the blue-folder package:
G:\USER\SHARE_SPPD\CPP\CPP Repeal
- Edits can be made to documents here and Janet said that she could help with these if asked.
- [redacted] The attached file has all of the RLSO of edits from the last time that it went to OMB. We should have a clean and RLSO version to send back to them
- [redacted] When the edits from the Econ folks and OAQPS IO are made the package should be ready to go.

Thank you all for your help and if you have any issues. Give me a call

Ex. 6 - Personal Privacy

Nick Swanson

To: Ashley, Jackie[Ashley.Jackie@epa.gov]
Cc: Ashley, John[ashley.john@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]
From: Swanson, Nicholas
Sent: Tue 11/7/2017 4:54:17 PM
Subject: RE: proposed CPP repeal dashboard

Thanks Jackie,

I will contact the docket office and see what I can do. This seems like a useful tool that would make all of our lives easier. I will let you know what I can dig up. Thanks again

Nick

From: Ashley, Jackie
Sent: Tuesday, November 07, 2017 11:35 AM
To: Swanson, Nicholas <Swanson.Nicholas@epa.gov>
Cc: Ashley, John <ashley.john@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: proposed CPP repeal dashboard

Hi Nick –

I anticipate we will get many comments on the proposed CPP repeal, and a lot of questions from stakeholders about how many comments we have, so I'd like to ask if you can work with the docket office to set up an internal dashboard similar to what we had in 2014. Here's the link to it: <http://intranet.epa.gov/fdmsinfo/oar0602dashboard.html>. As you can see, it provides a breakdown of comments between unique and mass mailer. This was a very useful tool for several of us to have internally (SPPD and PACS), and should cut down on time you (or someone in SPPD) would need to spend on these questions when/if they roll it.

Is it possible to get this set up before Thanksgiving? Let me know.

Thanks!

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Ashley, Jackie[Ashley.Jackie@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Ashley, John[ashley.john@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]
From: Culligan, Kevin
Sent: Fri 1/5/2018 4:46:24 PM
Subject: RE: Draft FR Notice for Listening Sessions
CPP Repeal Listening Sessions Notice kc comments.DOCX

Ex. 5 - Deliberative Process

Thanks,

- Kevin

From: Ashley, Jackie
Sent: Thursday, January 04, 2018 10:14 AM
To: Eck, Janet <Eck.Janet@epa.gov>; Ashley, John <ashley.john@epa.gov>
Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>
Subject: RE: Draft FR Notice for Listening Sessions

Hi John –

A few comments from me on top of Janet's. Mostly just flags as discussions with the regions continues.

Jenny – I put a question for you in a comment bubble on the first page. Please take a look and advise.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Eck, Janet

Sent: Wednesday, January 03, 2018 3:18 PM

To: Ashley, John <ashley.john@epa.gov>

Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>

Subject: RE: Draft FR Notice for Listening Sessions

Hi John, My comments attached. Thanks.

From: Ashley, John

Sent: Wednesday, January 03, 2018 2:07 PM

To: Culligan, Kevin <Culligan.Kevin@epa.gov>

Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>

Subject: Draft FR Notice for Listening Sessions

All –

Attached is the first draft of the FR Notice for the listening sessions. Please review and let me know of any comments or concerns.

There are many placeholders that will be filled in later. Phrases in yellow highlight are ones I thought needed to be confirmed prior to publication. Or they could simply be removed if appropriate.

Thank you for your time. Needless to say the timeframe for your edits/comments is ASAP.

John Ashley

U.S. Environmental Protection Agency

Office of Air Quality Planning and Standards

Sector Policies and Programs Division

(919) 541-1458

To: Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Culligan, Kevin
Sent: Mon 10/2/2017 1:55:55 PM
Subject: FW: CPP Repeal for Mandy
[RLSO CPP Proposal.FR Notice.9.29.2017.docx](#)
[CLEAN CPP Proposal.FR Notice.9.29.2017.docx](#)

From: Eck, Janet
Sent: Friday, September 29, 2017 5:06 PM
To: Iglesias, Amber <Iglesias.Amber@epa.gov>
Cc: Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; French, Chuck <French.Chuck@epa.gov>
Subject: FW: CPP Repeal for Mandy
Importance: High

Hi Amber, Attached is a revised CPP repeal preamble (SAN 5548.7) incorporating comments from OMB. Also attached is a redline/strikeout document highlighting the changes made. Please forward to Mandy for her review. Also, please note that OAR staff and OGC wanted to make sure that senior OAR are aware of the following:

●■■■■■■■■■ Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

●■■■■■■■■■ Ex. 5 - Deliberative Process
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Thanks for your help and have a good weekend.

To: Noonan, Jenny[Noonan.Jenny@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Ashley, John[ashley.john@epa.gov]; Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]
From: Culligan, Kevin
Sent: Mon 10/16/2017 4:30:13 PM
Subject: RE: Deadline 1:15pm Quick thoughts on this piece?

Ex. 5 - Deliberative Process

From: Noonan, Jenny
Sent: Monday, October 16, 2017 12:25 PM
To: Ashley, Jackie <Ashley.Jackie@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Ashley, John <ashley.john@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>
Subject: Deadline 1:15pm Quick thoughts on this piece?

Hi –

Attached is a draft 1-pager on the upcoming public hearing for the CPP repeal. The audience is the Office of Public Affairs and Region 3. Would you take a look and let me know your thoughts by 1:15pm?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Jenny

To: Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Hutson, Nick
Sent: Mon 12/18/2017 9:55:47 PM
Subject: RE: FYI - EPA moves to replace Obama-era climate rule (EE News)

Interesting thread ...

<https://twitter.com/jacklienke/status/942847146524663808>

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

From: Ashley, Jackie
Sent: Monday, December 18, 2017 2:48 PM
To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>
Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: FYI - EPA moves to replace Obama-era climate rule (EE News)

Just FYI –

EE news has posted a story about the ANPRM. We have not gotten confirmation yet that it's been signed. We will not post the website and fact sheet until we get word that it's signed. Thanks.

<https://www.eenews.net/stories/1060069311>

EPA moves to replace Obama-era climate rule

Robin Bravender, E&E News reporter

Climatewire: December 18, 2017 at 2:07 PM

U.S. EPA is taking comments for greenhouse gas regulations at power plants. [U.S. EPA](#)

U.S. EPA today is taking a first step toward potentially replacing the Obama administration's signature climate rule.

The agency released a [notice](#) asking the public for comment on what a replacement rule for Obama's Clean Power Plan should look like.

"EPA is considering proposing emission guidelines to limit greenhouse gas (GHG) emissions from existing electric utility generating units (EGUs) and is soliciting information on the proper respective roles of the state and federal governments in that process, as well as information on systems of emission reduction that are applicable at or to an existing EGU, information on compliance measures, and information on state planning requirements under the Clean Air Act (CAA)," says the notice released by EPA, known as an advance notice of proposed rulemaking.

The Trump administration has signaled that if it replaces the Clean Power Plan, it would do so with a much narrower rule aimed at boosting the efficiency of specific plants, instead of the broader approach taken by the Obama administration.

Separately, EPA has proposed repealing the Clean Power Plan, which sought to cut power plants' greenhouse gas emissions 32 percent below 2005 levels by 2030.

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"Consistent with our commitment to the rule of law, we've already set in motion an assessment of the previous administration's questionable legal basis in our proposed repeal of the Clean Power Plan. With a clean slate, we can now move forward to provide regulatory certainty," EPA Administrator Scott Pruitt said today in a statement.

"Today's move ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress," Pruitt added.

[Click here](#) to read EPA's notice.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Hutson, Nick
Sent: Mon 12/18/2017 9:54:39 PM
Subject: RE: FYI - EPA moves to replace Obama-era climate rule (EE News)

<https://bna.news.bna.com/environment-and-energy/narrower-carbon-controls-at-power-plants-considered-by-epa>

Narrower Carbon Controls at Power Plants Considered by EPA

Posted Dec. 18, 2017, 2:01 PM

The EPA is considering narrower carbon dioxide power plant standards than the Obama-era rule it would replace, but it wouldn't prohibit states from setting up their own emissions trading plans.

The highly anticipated advance notice, signed Dec. 18 by Environmental Protection Agency Administrator Scott Pruitt, seeks comment on a number of issues related to a potential replacement of the Clean Power Plan, the Obama administration's first-ever greenhouse gas limits for existing power plants.

The EPA proposed Oct. 10 to kill the controversial Obama-era rule, arguing that it exceeded the agency's authority by basing standards on reduction measures taken beyond what can be accomplished at an individual power plant.

The agency hasn't yet decided whether it will pursue a replacement policy, but will seek comment through the advance notice on options that would fit within the EPA's narrower interpretation of its Clean Air Act authority, such as efficiency improvements at individual plants.

But the notice also seeks comment on the scope of states' authority under any future regulation, floating a framework in which states would have flexibility to choose from a range of compliance options, including emissions trading.

“With a clean slate, we can now move forward to provide regulatory certainty,” Pruitt said in a statement. “Today’s move ensures adequate and early opportunity for public comment from all stakeholders about next steps the agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress.”

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

From: Ashley, Jackie

Sent: Monday, December 18, 2017 2:48 PM

To: Culligan, Kevin <Culligan.Kevin@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>

Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>

Subject: FYI - EPA moves to replace Obama-era climate rule (EE News)

Just FYI –

EE news has posted a story about the ANPRM. We have not gotten confirmation yet that it's been signed. We will not post the website and fact sheet until we get word that it's signed. Thanks.

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EPA moves to replace Obama-era climate rule

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"Today's move ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress," Pruitt added.

[Click here](#) to read EPA's notice.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Harvey, Reid

Location: DCRoomWJCS5041FGOAPDirTB/DC-OAR-OAP

Importance: Normal

Subject: Please meet in WJC South, Room 5041FG - RE: CPP Repeal RIA - Room C400A - Call In

Ex. 6 - Personal Privacy

Start Date/Time: Tue 10/24/2017 7:00:00 PM

End Date/Time: Tue 10/24/2017 8:00:00 PM

To: Bryson, Joe[Bryson.Joe@epa.gov]
Cc: Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]
From: Stenhouse, Jeb
Sent: Fri 7/14/2017 12:27:12 PM
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

That would work for me too.

On Jul 14, 2017, at 8:25 AM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Great. Thanks.

I see Misha has a conflict starting at 11:30.

If we don't want to be rushed, let me know, and I can move this back to a 12 or 1230 start time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb
Sent: Friday, July 14, 2017 6:15 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

Works for me, and good idea!

On Jul 13, 2017, at 5:19 PM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Hey Guys,

Carolyn just brought me some news from Reid re likelihood of near-term need for revisiting/updating CPP repeal proposal analysis.

I've given a little thought to the EE aspects, which, regardless of how we approach this, can have a substantial effect on the #s.

Could the 3 of us get together for an initial chat about this tomorrow at 11-1130am? I'll send you and invite. Can push it back to 12 or 1pm start if you prefer.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Bryson, Joe[Bryson.Joe@epa.gov]
From: Eschmann, Erich
Sent: Thur 8/10/2017 12:59:55 PM
Subject: RE: 9:00 AM meeting & memo draft posted on OneDrive

Sorry, Joe. Saw this after making a number of small edits. We can discuss shortly.

Erich Eschmann

Clean Air Markets Division

U.S. EPA, Office of Air and Radiation

202 343-9128 Phone

202 343-2359 Fax

eschmann.erich@epa.gov

From: Bryson, Joe
Sent: Thursday, August 10, 2017 8:23 AM
To: Keaveny, Brian <Keaveny.Brian@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>
Subject: RE: 9:00 AM meeting & memo draft posted on OneDrive

I've made my changes/comments. I suggest some changes in a comment box rather than making because not sure there'll be agreement.

I suggest that for the call we go thru line-by-line and confirm/discuss as needed, having Brian/Scott make any real-time revisions, deletion of comments, and adding of any needed comments flagging questions for Darryl/Jeb. Hopefully at end of call it will be ready to forward to them.

I will likely forward to Carolyn Snyder at that time as well, but we don't need to wait on her comments (and not sure she'll be available to review).

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Keaveny, Brian

Sent: Wednesday, August 09, 2017 7:17 PM

To: Jenkins, Scott <Jenkins.Scott@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>

Cc: Keaveny, Brian <Keaveny.Brian@epa.gov>

Subject: 9:00 AM meeting & memo draft posted on OneDrive

Hi Guys,

I've made a first pass revising the memo ([shared on my OneDrive](#)) making the main edits as I understand them, but it still needs a lot of work tomorrow morning. Please review this before our call at 9 am.

I've added notes to each of you via comments, flagging particular areas for your attention. Of course, I'd welcome your text suggestions beyond these areas. Please feel free to start working in the document (with tracked changes on) before the 9 am call.

Here's a draft agenda for our call:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'll be in around 8:30, so feel free to call me before the 9 am call if it'd be helpful.

Thanks in advance for the work ahead.

- Brian

—

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

From: Keaveny, Brian [<mailto:no-reply@sharepointonline.com>]

Sent: Wednesday, August 09, 2017 5:54 PM

To: Jenkins, Scott <Jenkins.Scott@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>;
Bryson, Joe <Bryson.Joe@epa.gov>

Cc: Keaveny, Brian <Keaveny.Brian@epa.gov>

Subject: Keaveny, Brian has shared 'ria_analytical_options_081017'

Ex. 5 - Deliberative Process

check with me before forwarding this on to others. Thanks, - Brian

Open ria analytical options 081017.docx

See more related to [Keaveny, Brian](#) in Delve.



Get the SharePoint mobile app!



To: Bryson, Joe[Bryson.Joe@epa.gov]
From: Eschmann, Erich
Sent: Wed 8/9/2017 1:29:56 PM
Subject: Re: touch base at 400 or 430 today?

Sure. **Ex. 6 - Personal Privacy** but will be back this afternoon.

Erich

On Aug 9, 2017, at 09:13, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Hey Erich,

Sounds like CPP Repeal may start getting some direction/immediacy to it. Would you be available to touch base today at 400 or 430?

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Joe Bryson [Ex. 6 - Personal Privacy]@me.com]
From: Bryson, Joe
Sent: Thur 9/14/2017 11:12:01 AM
Subject: Fwd: Repeal and replace approach to EPA climate rule may disappoint Trump base

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: September 14, 2017 at 5:07:01 AM EDT
To: <bryson.joe@epa.gov>
Subject: Repeal and replace approach to EPA climate rule may disappoint Trump base
Reply-To: "POLITICO subscriptions" <reply-fe9613707462047972-959825_HTML-638289887-1376319-0@politicoemail.com>

Repeal and replace approach to EPA climate rule may disappoint Trump base

By Emily Holden

09/14/2017 05:01 AM EDT

The Trump administration is leaving the door open to replace former President Barack Obama's landmark climate regulation for power plants — a move that would fall short of conservatives' calls to erase it all together

A mend-it-don't-end-it approach from the Environmental Protection Agency on Obama's 2015 rule could appease power companies that say they need some kind of EPA regulations — albeit much weaker ones — to save them from years of legal uncertainty. But it might not satisfy the demands from some conservative activists, who have pressured EPA Administrator Scott Pruitt to reject the entire idea that climate change is a problem requiring federal action.

The agency is aiming by early October to issue a proposal to undo the Clean Power Plan, along with a separate advance notice of its intent to consider a replacement, a source close to the process told POLITICO.

That approach still leaves a wide array of options on the table — including ultimately deciding against a new rule — and it could allow Pruitt to stretch out the process for several more years without ultimately resolving how the agency should address the greenhouse gas emissions from power plants, one of the largest contributors to human-caused climate change.

The Clean Power Plan encouraged the power sector to shift away from coal and toward natural gas and renewable power, an approach that Obama's critics said exceeded EPA's authority under the Clean Air Act. At a minimum, Trump's EPA would likely seek to limit any replacement to require only the negligible carbon emissions reductions that could be achieved at coal plants themselves, without prodding states and utilities to replace those facilities with cleaner generation.

The details about how to begin unraveling Obama's climate regulations could have political implications for Pruitt, who is widely seen as a potential candidate for the U.S. Senate in his native Oklahoma. Repealing the power plant rule was an explicit campaign promise for President Donald Trump, who has dismissed man-made climate change as a "hoax."

For now, conservatives appear willing to give Pruitt the benefit of the doubt because he is walking a legal tightrope and could still decide to take aim at EPA's underlying obligation to regulate carbon emissions. The D.C. Circuit Court of Appeals has agreed to keep litigation over the Clean Power Plan on hold through Oct. 7, but judges warned Pruitt last month that EPA is dodging its legal obligation to regulate carbon by failing to outline its next steps on the rule.

Myron Ebell, the climate skeptic who led EPA's transition team, has pushed for Pruitt to fight the agency's "endangerment finding" that it must address climate change. But he said a replacement rule might be an "adequate stopgap."

He said if the courts ultimately find that a coal-plant focused rule isn't enough to fulfill EPA's legal obligation, then "in order to keep the president's promise that we're going to get rid of these economically destructive rules, the only alternative they will have is to reopen the endangerment finding."

Challenging that finding, which determined that heat-trapping gases like carbon dioxide were a public health threat, would mean fighting climate change science, and most lawyers say it is a losing battle. The Obama administration issued the endangerment finding in 2009, two years after the Supreme Court told EPA to determine its role in fighting climate change.

Tom Pyle, a conservative lobbyist with the American Energy Alliance who led Trump's Energy Department transition team, said he would prefer a straight withdrawal of the Clean Power Plan but wouldn't oppose a replacement rule.

"Ultimately, the responsibility to fix this mess lies with the Congress, so until they act, the only thing the Administration can do is minimize the damage," Pyle said via email.

But EPA would be on much shakier legal ground if it just refused to regulate carbon dioxide from power plants, the nation's largest source of greenhouse gas pollution.

EPA wants to move to collect comments about whether to write a new regulation, and is likely to write a new rule, multiple sources said.

Any replacement would be based on a narrow interpretation of EPA's authority and is unlikely to make a meaningful dent in carbon levels — unlike Obama's version, which pledged to cut the power industry's carbon pollution as much as 32 percent below 2005 levels by 2030.

Opponents of the Clean Power Plan have also argued that the rule is illegal because EPA had already regulated coal plants under a different section of law. EPA could still make that argument while proposing to withdraw the plan and invite comments on the idea in its notice of a potential replacement.

Environmental groups are expected to sue no matter which path Pruitt and Trump take.

"There would be very intense protests to rescinding the Clean Power Plan and replacing it with nothing indefinitely, which is what this would be," said Sean Donahue, a lawyer at Donahue & Goldberg who represents environmental groups defending the Clean Power Plan in court.

EPA is planning to issue an Advance Notice of Proposed Rulemaking (ANPR), the first step toward issuing a replacement for the Clean Power Plan, according to the source familiar with the process. But that route leaves many options open.

Kevin Poloncarz, a lawyer with the firm Paul Hastings who represents energy companies supporting the Clean Power Plan, said the notice could be "fairly nondescript" and could suggest a replacement rule or ask for feedback on whether EPA can legally regulate power plants under the section of the Clean Air Act that the Obama administration used.

If EPA simply rescinded the Clean Power Plan without announcing plans to consider a replacement, Poloncarz said power companies could face nuisance lawsuits.

Issuing the notice could be a compromise position. While it's in place, "the industry should feel some degree of comfort that they're insulated from those lawsuits," Poloncarz said.

States like New York could still take court action against EPA if the agency is taking too long or questions its own authority on greenhouse gases, he added.

It's not unusual for an agency to take years to follow up on an ANPR. EPA took about six years to issue its draft Clean Power Plan in 2014.

"The entire point of ANPR is to help agencies decide which course they want to pursue where there are multiple options," said Tom Lorenzen, a partner at Crowell & Moring who represents electric cooperatives challenging the Clean Power Plan.

"I think one purpose of an ANPR would be to send a message to the court that EPA is thinking about what comes next," he added.

Lorenzen said an ANPR could suggest a replacement rule or argue that any regulation is

illegal because the agency has already regulated power plants under Section 112 of the Clean Air Act.

Several attorneys noted that Bill Wehrum, the lawyer nominated to run EPA's air office, has represented power industry clients who likely would back a replacement rule because they consider regulation to be inevitable.

Most utilities assume a future regulation or law will require them to curb carbon emissions, even if Trump's EPA rescinds the Clean Power Plan.

Even coal-heavy power companies have said they support EPA issuing a replacement rule.

AEP, a Midwestern power company that gets slightly less than half of its electricity from coal, would back a new proposal "consistent with the EPA's authority under the Clean Air Act," spokeswoman Tammy Ridout said.

In 2005, 70 percent of AEP's power came from coal, but the company has been intentionally shifting toward renewable power and lower-carbon natural gas.

"We think that future regulation of carbon emissions from power production is likely, and could provide additional planning certainty," Ridout said.

To view online:

<https://www.politicopro.com/energy/story/2017/09/repeal-and-replace-approach-to-epa-climate-rule-may-disappoint-trump-base-161885>

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This email was sent to bryson.joe@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Bryson, Joe
Sent: Tue 6/13/2017 4:04:10 PM
Subject: RE: CPP Repeal

Sounds good.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Evans, DavidA
Sent: Tuesday, June 13, 2017 12:00 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: RE: CPP Repeal

A huge step that would be. We currently have a live SAB panel providing us guidance on how to do economy-wide analyses, and I don't think we will have a report from them until the fall at the earliest. Getting the details right – making sure out supply side and demand side technology representations are reasonably reflected in the economy-wide model - would take time and resources.

Let me see if I can get the preamble through OP channels at this point given that it is at OMB. If not, I will take you up on your offer.

d

From: Bryson, Joe
Sent: Tuesday, June 13, 2017 11:54 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: CPP Repeal

Thanks Dave. You are clearly about as much “in the know” as I am. Tho, not sure anyone else, even up the chain, has any idea where we’re likely to end up on these questions. Economy-wide analysis Oh yeah, RIA does kinda suggest that’s a way to capture broader impacts/interactions. Big step that’d be.

An early draft of preamble made it down to me. I don’t think it changed much, if at all, but don’t know that for sure. I’m comfortable sending to you if you like. Let me know. It’s very short (~20 pp) and simple.

From: Evans, DavidA
Sent: Tuesday, June 13, 2017 11:27 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: RE: CPP Repeal

Hi Joe,

Yes, working with Beth was great. I think we hit the marks we needed to. Sorry I didn’t help us get off to a good start. I had too much on my mind the day we chatted.

To answer your question:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'm not at all sure what Reid and others are thinking. It is my understanding that our politicals were caught off-guard about having to do an RIA in the first place.

To further demonstrate that I don't know anything: I have no idea why it took a week for OMB to open the package. I don't know if there will be any presentation discussing the RIA to interagency, or how big the IWG workgroup will be. Or what is in the preamble other than in broad strokes (which has since been confirmed by the press).

I'll let you know if I learn anything.

Dave

From: Bryson, Joe
Sent: Tuesday, June 13, 2017 10:25 AM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: CPP Repeal

Hey Dave,

Sorry I missed the fun on the proposed CPP Repeal. Seems like between you/Alex, Alex Mac, and Beth Conlin, you got EE issues addressed in way that everyone could live with. Will be interesting to see what we hear thru Interagency and then public comments.

Question:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Expect that we won't know for sure until after the comment period closes and related discussions are had and as with rulemakings generally, always subject to change.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Bryson, Joe
Sent: Tue 6/13/2017 3:54:08 PM
Subject: RE: CPP Repeal

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Ex. 5 - Deliberative Process

5 - Deliberative Process

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Question:	Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process	

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Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Agan, John[John.Agan@Hq.Doe.Gov]; Johanna Zetterberg[Johanna.Zetterberg@ee.doe.gov];
King, Benjamin[Benjamin.King@EE.Doe.Gov]
From: Bryson, Joe
Sent: Mon 6/12/2017 12:18:43 PM
Subject: CPP Repeal - OIRA Interagency review

So, OMB/OIRA site indicates EPA has sent “Review of CPP” proposed rule to them as of last Thursday, June 8:

<https://www.reginfo.gov/public/jsp/EO/eoDashboard.jsp>

AGENCY: EPA-OAR	RIN: <u>2060-AT55</u>	Status: <u>Pending Review</u>
TITLE: Review of the Clean Power Plan		
STAGE: Proposed Rule	ECONOMICALLY	
	SIGNIFICANT: Yes	
RECEIVED DATE:	LEGAL DEADLINE:	
06/08/2017	None	

To: Evans, DavidA[Evans.DavidA@epa.gov]
From: Bryson, Joe
Sent: Thur 10/12/2017 7:00:20 PM
Subject: RE: Docket items due cob today LAST CALL

Thanks!

From: Evans, DavidA
Sent: Thursday, October 12, 2017 2:54 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: RE: Docket items due cob today LAST CALL

Yes, that is the point. Sorry for the confusion.

From: Bryson, Joe
Sent: Thursday, October 12, 2017 2:53 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: Docket items due cob today LAST CALL

Point is – you’re addressing those, right?

From: Evans, DavidA
Sent: Thursday, October 12, 2017 2:46 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Docket items due cob today LAST CALL

Actually, Joe, there are a few that were in that footnote that seem to be new to this action. But, as far as I can tell, it is only in that footnote where there may be references newly cited for this

action.

From: Bryson, Joe
Sent: Thursday, October 12, 2017 2:42 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: Evans, DavidA <Evans.DavidA@epa.gov>
Subject: RE: Docket items due cob today LAST CALL

I've added nothing – only references in 7.7 are to AEO files which I think are already addressed.

Dave, as I understand it, has reviewed the section on EE limitations/uncertainty and is adding only docs (just one, I think) that were not previously included in 2015 docket because they were cited in EE TSD.

Joe, (202) 343-9631

From: Macpherson, Alex
Sent: Thursday, October 12, 2017 2:37 PM
To: Fann, Neal <Fann.Neal@epa.gov>; Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Ferris, Ann <Ferris.Ann@epa.gov>; Maguire, Kelly <Maguire.Kelly@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>; Ragnauth, Shaun <Ragnauth.Shaun@epa.gov>
Cc: Keaveny, Brian <Keaveny.Brian@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: RE: Docket items due cob today LAST CALL
Importance: High

I've received files from Kelly and Ann. I added 2015 RIA, EE TSD, and EIA-related things (including AEOs 2015-17 and CPP 2015 analysis).

Dave/Joe: are all your files in?

Elizabeth/Alex Marten: any SCC materials need added?

Neal: did you send the articles you mentioned?

Anything else?

Sorry this is quick turnaround. We didn't realize we'd have to docket today.
Alex

From: Macpherson, Alex
Sent: Thursday, October 12, 2017 9:37 AM
To: Fann, Neal <Fann.Neal@epa.gov>; Mikhail Adamantiades
(Adamantiades.Mikhail@epa.gov) <Adamantiades.Mikhail@epa.gov>; Bryson, Joe
<Bryson.Joe@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA
<Evans.DavidA@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Ferris, Ann
<Ferris.Ann@epa.gov>; Kelly Maguire <Maguire.Kelly@epa.gov>; Jenkins, Robin
<Jenkins.Robin@epa.gov>; Ragnauth, Shaun <Ragnauth.Shaun@epa.gov>
Cc: Keaveny, Brian <Keaveny.Brian@epa.gov>
Subject: Docket items due cob today
Importance: High

Team

See below...the FR notice will be published Monday. We need to have our docket items to our coordinator by cob today. Here's what we plan to docket and the responsible party:

- New RIA and supporting spreadsheets (Brian)
- 2015 RIA and key supporting material (EE TSD, for example) (Alex Mac)
- Material passed back and forth between EIA and EPA. I'm told we do not need to docket teleconferences with EIA. (Alex Mac)
- Newly cited articles and reports (OP staff). For articles, please try to name pdf file according to the following convention:
 - o Author YEAR.pdf
 - o Author1 and Author2 YEAR pdf

- o Author1 et al YEAR.pdf
- o Organization YEAR.pdf

Do not send materials to me via email. Rather, send me an email that you have loaded you material into this directory on our team Sharepoint:

https://usepa.sharepoint.com/sites/oar_Work/CPP_111d_RIA_FINAL/Shared%20Documents/Proposal%202017

Let me know ASAP if you think I am overlooking something, or have any questions

Alex

From: Eck, Janet
Sent: Thursday, October 12, 2017 8:43 AM
To: Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Cc: Rush, Alan <Rush.Alan@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; South, Peter <South.Peter@epa.gov>
Subject: FW: FR Dailies: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units is about to publish in the FR.
Importance: High

The CPP Repeal is scheduled to publish Monday, 10/16/17. Thanks.

From: Elizabeth Thomas [<mailto:Thomas.Elizabeth@epamail.epa.gov>]
Sent: Wednesday, October 11, 2017 4:43 PM
To: Eck, Janet <Eck.Janet@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Vasu, Amy <Vasu.Amy@epa.gov>; Wingate, Diedra <Wingate.Diedra@epa.gov>
Subject: FR Dailies: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units is about to publish in the FR.
Importance: High

Your document is about to publish in the Federal Register. This publication date has been confirmed with

the Office of the Federal Register.

Title: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility
Generating Units

FRL #: 9969-75-OAR

Docket #:

Published Date: 10/16/2017

To: Mulholland, Denise[Mulholland.Denise@epa.gov]
From: Bryson, Joe
Sent: Wed 6/7/2017 8:58:23 PM
Subject: CPP Repeal RIA
EO12866_CPP Repeal 2060-AT55 Proposal RIA_20170602-1.pdf

Denise,

Attached is the CPP Repeal that went to OMB (June 2). Might be useful for you to have to see fuller context of the jobs discussion and to ensure the excerpt you were provided by Ann F. is up-to-date w/ this final OMB version.

This is, of course, extremely close hold.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Evans, DavidA[Evans.DavidA@epa.gov]; Alex Marten[Marten.Alex@epa.gov]
From: Bryson, Joe
Sent: Fri 9/8/2017 3:32:53 PM
Subject: Talk about CPP repeal and EE this afternoon? 2 or later?

Alex/Dave,

Are either of you around today? Would you be available to chat about Path B EE issues?

Let me know. Would love to discuss today, if possible.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Snyder, Carolyn[Snyder.Carolyn@epa.gov]
Cc: Conlin, Beth[Conlin.Beth@epa.gov]
From: Bryson, Joe
Sent: Wed 8/2/2017 8:46:18 PM
Subject: FYI - RIA Analytical Options for CPP Repeal
[ria_analytical_options_080217.docx](#)

Carolyn,

FYI – attached is current draft of bulleted 2-pager presenting analytical options for RIA.

Ex. 5 - Deliberative Process

Alex's plan is to finalize by COB Thursday and then share w/ OP Friday a.m., I think, and send on to OAR management by COB Friday. Presumably this will elicit some engagement next week (?).

Let me know if you have questions.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631